SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1941

Nos. 280, 314 and 966

280 ROSCO JONES, *Petitioner,*

v.

CITY OF OPELIKA, *Respondent*

ON WRIT OF CERTIORARI TO SUPREME COURT OF STATE OF ALABAMA.

314 LOIS BOWDEN and ZADA SANDERS, *Petitioners,*

v.

CITY OF FORT SMITH, *Respondent*

ON WRIT OF CERTIORARI TO SUPREME COURT OF STATE OF ARKANSAS.

966 CHARLES JOBIN, *Appellant,*

v.

THE STATE OF ARIZONA, *Appellee*

APPEAL FROM SUPREME COURT OF STATE OF ARIZONA.

APPENDIX
to
PETITIONERS' MOTION

HAYDEN C. COVINGTON
Attorney for Petitioners

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APPENDIX
to
PETITIONERS' MOTION

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Editorials

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TIME

The Weekly Newsmagazine, June 22, 1942, p. 55.

Ominous Decision

The U. S. Supreme Court handed down a decision last week that directly affected only a small, freakish religious sect, but indirectly affected nothing less than freedom of conscience. . . .

Outstanding churchmen were notably chary last week about expressing clear-cut opinions on the Supreme Court decision. But the press was outspoken.

NEWSWEEK

June 29, 1942, p. 68.

'*The Boot Is On the Other Leg,*' by Raymond Moley.

Now that the Supreme Court is being pounded for its last decision of the 1941-1942 term—its 5 to 4 vote in the Jehovah's witnesses case—we are hearing again that newspaper criticism helps Hitler by undermining public respect for government. The answer to the self-pitying lament that criticism causes loss of respect is simple. The way to be respected is to merit respect. . . .

The decision of the Supreme Court upholding the

imposition of fees on Jehovah's witnesses for the privilege of distributing religious tracts is just as shocking in its implications. For to whittle away the freedom of one religion is to attack the freedom of all religion. To suppress one liberty is to threaten all liberty. What greater irony can there be, when American boys are dying for the liberties of many peoples, than this impairment of religious liberty in America by the constituted guardians of our liberties? Cynical cracks of Washington lawyers that the Constitution is what the Court says it is do not obscure the plain language which guarantees our liberties. We all can read the document without aid of counsel. . . .

COLLIER'S

July 18, 1942, p. 70. Editorial.

The Supreme Court Errs

We are fighting a global war, as the Roosevelt Administration which appointed a majority of the present Supreme Court justices keeps telling us, to bring the "four freedoms" to the whole world. One of these freedoms is freedom of expression, a term which includes freedom of the press as guaranteed by our Bill of Rights. Another is freedom of religion.

Yet five out of the Supreme Court's nine justices saw fit recently to hand down a decision curtailing somebody's freedom of both press and religion. True, the somebody was nobody but the small and cantankerous sect known as Jehovah's witnesses. But this decision, which held that town governments can force this sect's tract-pushers to pay license fees as peddlers, can be used to legalize the licensing of producers of any publication sold on streets or newsstands. . . .

This decision's threat to religious and press liberty in this country is real and urgent. These two freedoms

can be wiped out if this decision stands. . . .

While freedom of religion and of the press are being done to death in this country, our boys will be fighting to bring those blessings to the rest of the nations of the world. There is some discrepancy somewhere in all this. . . .

THE PRESBYTERIAN GUARDIAN

Philadelphia, Pa., June 25, 1942, p. 179. Editorial.

A Dangerous Decision

[The Editor condemns the decision and among other things says:]

"We Bible-believing Christians also are a minority and our gospel is not popular. Our lot will not be a happy one if our freedom to propagate our faith can be limited by city councils."

CHRISTIANITY AND CRISIS

New York, N.Y., a biweekly, June 29, 1942, p. 7, under the heading "The Supreme Court on Religious Liberty" condemns the decision.

THE CHRISTIAN-EVANGELIST

National weekly of Disciples of Christ. St. Louis, Mo., June 25, 1942, p. 691, under heading "Unity or Uniformity", opposes the majority and declares: "The majority decision of the Supreme Court has dangerous implications as a precedent for future decisions in cases where the rights of conscience meet the enactments of local governments."

THE CHRISTIAN ADVOCATE

Methodist, Chicago, Ill., June 25, 1942, pp. 804-805, editorial.

A Momentous Decision

. . . But a license to sell religious literature is something entirely different. It is an instrument which can be used to exterminate, and, for the sake of democracy's future, we would do well to remember that. . . .

ZION'S HERALD

Methodist, Boston, Mass., June 24, 1942, p. 604, under the heading "Accomplishing a Wrong by Indirection" editorially says:

"Decidedly unjust is the technique sometimes employed to 'get rid' of a troublesome man or a 'nuisance' movement by an indirect attack which avoids a head-on conflict over the main issue. . . . We therefore again protest and register the conviction that a great wrong has been done to the cause of liberty by the effort to tax the Witnesses off the street."

THE CHRISTIAN LEADER

Universalist, Boston, Mass., June 20, 1942, p. 355, under the title "Good News for Tyrants and Bigots" editorially condemns the decision of the majority, and, among other things, says:

"Everyone who knows anything about municipal government in this country knows that these are real and immediate dangers. And everyone should realize that every danger to which this decision exposes the religious press is also a real and immediate danger to the secular press. . . .

"Why? Because this decision sets aside our most

precious constitutional guarantees. At one stroke three of the freedoms for which we fight are put in dire jeopardy."

THE WATCHMAN EXAMINER

Baptist, New York, N.Y., July 2, 1942, p. 656, under the title "A Danger to Freedom" editorially declares:

"The principle of religious freedom must protect the rights of minorities as well as those of the larger groups. Minorities whose civil rights are threatened are generally small and, to many, obnoxious. They may or may not be unworthy, yet the sincerity with which we uphold the Bill of Rights is tested by the treatment we accord them. . . . While the youth of America is dying on the battlefields of the world, or falling to death out of the air, or perishing in the sea to secure for the world the Four Freedoms and other freedoms mentioned in the American Bill of Rights, it is nothing short of tragic that the Supreme Court should give its august authority to the suppression of a small and obnoxious sect and in so doing undermine all the freedoms."

THE COMMONWEAL

Roman Catholic, New York, N.Y., June 26, 1942, p. 221, under "Liberty is Liberty" editorially says:

"The decisions of the Supreme Court with regard to the Gobitis case (two years ago) and the recent case covering the requirement of commercial licenses for distributors of leaflets both seem to us to be in a dangerously wrong direction."

THE CHRISTIAN CENTURY

Undenominational weekly, Chicago, Ill., June 17, 1942, p. 771, editorially states:

"Taken together, the stirring dissenting opinions entered by the chief justice and his colleagues in this case show how precarious is the basis for all our freedoms, and how grave is the danger that in the very hour when the President proclaims a crusade for the four freedoms throughout the earth, they may be destroyed at home."

THE CHRISTIAN CENTURY

Chicago, June 24, 1942, pp. 806-807, George A. Coe, under "Our Waning Religious Liberties", says:

" . . . Though freedom of the press remains, its meaning and effect are partly destroyed and wholly jeopardized.

"This is a history of descent from heights of religious liberty that we had supposed to be secure, in our country, for all time. . . . "

INDIANAPOLIS SUNDAY STAR

June 21, 1942.

I. U. Journalism Head Sees Danger To Free Press In High Court Ruling.

Papers Could Be Taxed Out of Existence Under Jehovah's witnesses Decision, Stempel Warns.

By JOHN E. STEMPEL, Head of Department of Journalism, Indiana University.

"Suppose an unscrupulous boss held political control of the city of Indianapolis, and it came to his attention that the press was about to reveal proof of graft and mismanagement in city affairs. Through

his political proteges such a leader might cause hurried enactment of a license fee of 5 or 10 cents a copy on each newspaper published in the city.

" . . . Should any newspaper attempt to bargain for its freedom by agreeing to suppress charge of misgovernment in return for repeal of the license fee, it would forever lose its freedom. . . .

"The prevailing opinion in the Jehovah's witnesses case opens a new way for unscrupulous politicians to threaten economic ruin to newspapers that publish material not to their liking. . . .

"That power in the hands of intolerant, dictatorial leaders could soon repress what we know today as freedom of thought, religion and speech. . . .

"A time of crisis like the present demands sound thinking concerning our freedoms. We are fighting for them, and in fighting for them we do not wish to lose them."

MINNEAPOLIS MORNING TRIBUNE

Saturday, June 13, 1942. Editorial.

The Supreme Court Makes a Dangerous Decision

. . . Ordinarily what is popular requires no safeguarding. It is for the protection of the unpopular advocates of unpopular causes that these guarantees of freedom of speech, religion and press were written into the constitution. . . .

The supreme court has, on more than one occasion, reversed itself and it is to be hoped that it will soon recognize its latest error.

CHICAGO DAILY NEWS

Thursday, June 11, 1942. Editorial.

A Hard Case

. . . But Americans are specially sensitive to religious discriminations. Millions of us are descended from sectarian nonconformists of many sorts who came to this continent, or were sent here involuntarily, because they irked the majorities of the old countries as much as the Jehovah's witness sect irritates and bores our majority today. The fact that no sooner had religious refugees arrived in colonial America than they began to persecute each other has also permeated our traditions and sharpened our sensitiveness to legal restrictions upon proselytism of all sorts.

. . . The parallelism of restrictions upon the sale of religious tracts to the stamp acts designed to levy penal taxation on newspapers and other printed matter that did so much to incite the American Revolution is another angle of the case that simply 'sticks in the craw' of thousands of Americans whose souls are steeped in the sentiments of old Sam Adams, Tom Paine and Thomas Jefferson.

LOUISVILLE COURIER JOURNAL

June 10, 1942, Editorial.

These Vital Rights Lincoln Spoke Of

Jehovah's witnesses are making quite a record for judicial construction of religious liberty, one of the "vital rights of minorities and individuals," which LINCOLN said "are so plainly assured . . . in the Constitution that controversies never arise concerning them."

. . . The Justices have seen conscientious objectors excused from defending the flag while equally con-

scientious little objectors to obeisance to any earthly symbol were expelled from school for merely refusing to perform a perfunctory gesture in front of it. . . .

And the Chief Justice has gained enough recruits on the bench to indicate that this "vital right" isn't finally disposed of, even though the great LINCOLN might not have been able to see how a controversy could possibly arise over it.

NEW YORK POST

Thursday, June 11, 1942.

I'd Rather Be Right

By Samuel Grafton

. . . Ruling on the right of a book peddler to peddle books, the Court gives us a number of round and beautiful words: "The mind and spirit of man remain forever free."

But he still needs a license, says the Court. So his mind and spirit remain forever free in Fort Smith, Arkansas, for example, but if he actually wants to sell books, he must pay $10 a week. His mind and spirit are free so long as they sit on a porch, or are sound asleep in bed. If his mind and spirit want to get up and go somewhere, their freedom ends and they must have a license.

The Right to $10

Under this doctrine, only the unused mind is free; only the spirit which never soars has the right to fly. The Court has ruled firmly that if you don't use your mind, no one may interfere with it. If you do, they may. It becomes law that no one may abridge the right of free press, except against persons trying to use it. All others keep this right, probably in a drawer, under sachet.

From now on, in Fort Smith, you have to have $10 to have the right of free press. If, from now on, the right of free press is to have any meaning, the Constitution will have to be amended to give everybody the right to $10.

This is what happens when you give the people beautiful round words, and take away the substance of their liberties. If your mind isn't big enough to understand the importance of $10, it isn't big enough to understand the right of free press. . . .

We, of the real world, say that religious liberty includes enough calories to carry you to church, and that unnecessary hunger is unlawful interference with freedom of worship.

TOWNSEND NATIONAL WEEKLY

Saturday, June 27, 1942.

Inside Washington

By Hugh Russell Fraser

June 8, 1942, will go down as a black day in American history. On that day, in a far-reaching case, the supreme court pronounced an amazing abridgment of the bill of rights. . . .

In fact, the deed was so shocking that Chief Justice Stone and three of his colleagues, Justices Black, Douglas and Murphy, resorted to extraordinary language to indict the majority decision as an invasion of the freedom of religion, nullifying the first amendment to the Constitution. . . .

The tragedy of June 8 will yet be undone.

NEW YORK TIMES

June 10, 1942. Editorial.

A Test of Freedom

. . . . We can see this case in its right light only if we try to imagine one of our established religious groups penalized in the same way. We know it could not be so penalized, because its methods of appeal would not offend people and because it would have a following capable of effective protest. Jehovah's witnesses suffer because they are a small and, to many, an obnoxious sect . . .

It seems to us that the majority opinion in this instance lends itself to the whittling down of freedom of speech, freedom of religion and freedom of the press.

THE ERA

Bradford, Pa., Wednesday, June 10, 1942. Editorial.

Freedom at A Law-Maker's Discretion

Free speech, free press and freedom to worship God according to the dictates of the individual's conscience have been reduced to the plane of expediency, by a decision of the Supreme Court of the United States. . . .

They are amazed to learn at this late date those rights can be modified by law to limit them to the usages some dictator in control of the Congress desires. They are astonished to find the freedom for which they are fighting has strings attached which hobble their liberty. They are particularly alarmed over the high court's opinion expressed at a time when the world is purportedly fighting to preserve the free American way of life—a freedom construed to embody

the Bill of Rights as understood to exist from the days of the Revolution. . . .

Whatever the reason the American public is disquieted by the action.

THE WASHINGTON [D.C.] POST

Wednesday, June 10, 1942. Editorial.

Religion And Taxation

Not perhaps since the classical case of Murphy versus Madison has there been a decision by the Supreme Court so momentous in its implications as the decision delivered on Monday and written by Mr. Justice Reed and supported by four other justices to make a majority. . . .

Undeniably, the opening wedge for this latest restriction on religious liberty by the Supreme Court was the decision of the same tribunal two years ago that freedom of conscience must not include scruples against saluting the Flag.

CHICAGO DAILY TRIBUNE

Wednesday, June 10, 1942. Editorial.

A Blow to Freedom

. . . . It was a very bad decision, so bad that it recalls the abuses listed in the Declaration of Independence. . . .

The minority had read history. The minority knew that the classic method of repression is licensing. The great fight for the freedom of the press was the fight against just such prior restraints on publication. The people of this country had thought that fight had been won. . . . By restraints on distribution, books, newspapers, and magazines may be prevented from reach-

ing the readers quite as effectively as by the licensing of publishing houses. . . .

The fundamental question is whether such people in this country are free to express such views. The answer is that if they aren't, there is no freedom in this country. The guarantees of freedom of the press and freedom of religion are not needed to authorize expressions of popular judgment in politics and religion.

. . . The only way which has ever been found of protecting the right to express the truth is to permit the unhampered expression of all opinion, popular or unpopular, true or false.

THE NEWS AND OBSERVER

Raleigh, N. C. Editorial.

Another Great Dissent

There was an old Roman maxim, "In war laws are silent." That was an imperialist doctrine for an empire, but it can have no place in a democratic government. And yet, there is danger of limitations on the Four Freedoms in this country when the strain of war governs. But if Freedom of Religion and Freedom of Speech and Freedom of the Press are to be denied in our country, can we boast of a real democracy?

THE NEW LEADER

New York, N.Y., Saturday, June 13, 1942. Editorial.

Supreme Justices Confess

. . . They have reversed themselves within these two years. Now they publicly confess that Supreme Court decisions are not holy, eternal, above criticism or correction. They have performed a distinguished service to their country.

THE NASHVILLE TENNESSEAN

Monday, June 15, 1942.

Grafton Urges War on Tax on Freedom. Calls Supreme Court's Fort Smith Ruling Invitation To Put Price list on Ancient Bill of Rights—Equivalent of Poll Tax.

I'd Rather Be Right

By Samuel Grafton

New York, June 14—. . .

A Set of Sacred $10 Rights.

If anything were needed to show that the Supreme Court decision (a bare 5-4, put over by the perfectly shocking acquiescence of Mr. Justice Frankfurter) was a retrograde decision, that by it the court speeded backward into a dark tunnel like a man with his foot caught in a roller-coaster, it is this comparison.

What's going on here, anyway? Are we going to let local government set up a kind of judicial Sears, Roebuck catalogue, with prices on the various items in the Bill of Rights?

It is clear that in the Fort Smith case the court has poll-taxed the right of free press. It has washed out that right by allowing a price to be put on it, just as the right to vote has been washed out in eight Southern states by the imposition of a price.

A Dozen New Poll Taxes

The poll-tax comparison blows up the court's pretensions that it has merely permitted local government, in its exquisitely local wisdom, to set up necessary and practical conditions for using the right of free press, without hurt or competitive advantage to anyone, tr-da-ti-da. . . .

For, from now on, any city council can add its own amendment to the Constitution by outfitting the Bill of Rights with a local price list. . . .

All right, it's a fight. Let's fight it. I'll help. And I'll state the issue: a fight to establish firmly the principle that no right guaranteed to the people under the Constitution can be rendered subject to money payment; that, in even briefer language, the Constitution of the United States is not a tart.

THE DETROIT NEWS

Thursday, June 11, 1942.

The Commentator: By W. K. Kelsey.

Three of Our Freedoms

Looks as if the Supreme Court majority came an awful cropper in the three cases decided last Monday concerning freedom of speech, freedom of the press, and freedom of religion. Looks, indeed, as if the Court has reversed its attitude taken in previous decisions.

THE CONSTITUTION

Atlanta, Ga., Monday June 22, 1942.

Good Morning: By Louie D. Newton.

"Precious Rights . . . "

The decision of the United States supreme court a few days ago . . . may well be regarded as one of the most serious denials of constitutional rights within the history of the American government.

ST. LOUIS DAILY GLOBE-DEMOCRAT

Wednesday morning, June 10, 1942. Editorial.

'No Law Abridging . . . '

The Supreme Court appears to have hedged in the right of free religion and speech in a decision of last Monday. . . .

The Supreme Court decision seems to be an entering wedge which endangers these 150-year-old principles by permitting a city licensing of any man's worship or speech. The fact that it was a split decision and that three members of the court took occasion to reverse themselves on the flag-saluting case of 1940, indicates it may not be permanent. It would be a precedent latent with peril to personal freedom.

ST. LOUIS POST-DISPATCH

June 9, 1942. Editorial.

A Blow to Religious Freedom

. . . All religious organizations are obliged to resort to one method or another to raise funds. To require one of them to take out a peddler's license for its particular method of raising funds strikes us as a dangerous intrusion on freedom of worship. If a religious organization is subject to city or state or national authority when it goes about the business of supporting itself, this authority conceivably could be pushed to the point of suppressing sects disliked by lawmakers. If a small sect can be denied its constitutional rights, the way is open to deny them to other sects.

NORFOLK VIRGINIAN-PILOT

Wednesday, June 10, 1942. Editorial.

We Side With the Minority

Only a little less shocking than the Gobitis (compulsory flag-saluting) decision of 1940, is the Supreme Court's decision upholding the right of municipalities to require those who distribute religious tracts or publications as a method of raising money for their churches, to pay city licenses for the privilege. . . .

The majority opinion makes the act of fund-raising

the test of taxability rather than the ideological mission of the fund raising. If that is reconcilable with the intent of the Bill of Rights, the street sale of a publication as an incident of religious propaganda is on the same level with the street sale of a publication to promote the sale, for private profit, of the sheet music of Tin Pan Alley.

. . . The right of free speech and free religion is a right bought dearly by centuries of struggle. The right to tax the instrumentalities of free speech and free religion is not "equally precious to mankind," but intrinsically suspect among all free peoples. . . .

The two opinions can be reconciled only by a factitious defense of the right of taxation in an exercise of that right which clearly manifests the intention of the taxing power not to raise needed public revenue, but to bring to bear on the religious activities of a minority the majority's spiteful dislike of the minority's doctrines and propagandist behavior.

BURLINGTON [VT.] FREE PRESS

June 10, 1942. Editorial.

Limiting Free Speech

. . . That point of view is understandable, but we believe it treads on dangerous grounds and, carried to its logical conclusion, threatens the whole constitutional right of free speech.

SOUTH BEND [IND.] TRIBUNE

June 11, 1942. Editorial.

Dangerous

Like the power to tax the power to license is power to destroy. Government licensing of publications can not be harmonized with fundamental Americanism.

ST. LOUIS STAR-TIMES

An Un-American Decision

. . . The majority decision plays directly into the hands of dictatorial political bosses like Mayor Hague of Jersey City. It provides the means by which a corrupt public official could suppress those who would expose him. Its principle is in no respect different from that of governmental licensing of the press and other agencies for the expression of opinion.

THE ATLANTA JOURNAL

Atlanta, Ga., June 12, 1942. Editorial.

Religious Freedom

. . . Great principles are so bound up with small circumstances that it is often hard to distinguish what is abiding and basic from what is transient and superficial. . . . When we come to deal with that realm of human conduct covered by the Bill of Rights, we can afford to err on the side of liberal interpretation rather than deny the fundamentals of freedom to any person, however lowly, or to any sect, however eccentric. . . .

Time and education and common sense will dispose of the vagaries which are continually springing up in the field of religion; but when the rights of free conscience and free worship are abridged on any ground, save the plainest grounds of common decency and public welfare, who can say what the consequence may be?

TIMES-HERALD

Washington, D. C., Tuesday, June 9, 1942.

Jehovah Witnesses Lose High Court Test. Violent Dissents Mark 5-4 Ruling on Right to License Pamphlet Sale.

By Chesly Manly

. . . Chief Justice Stone's dissenting opinion was one of the most vehement in the Court's history. Even more significant, however, was an extraordinary one paragraph separate note in which three justices—Hugo L. Black, William O. Douglas and Frank Murphy—reversed the position they took in a similar case two years ago because of apprehensions as to the current trends respecting the rights and views of minorities.

DAILY NEWS

New York, N. Y., Friday, June 12, 1942. Editorial.

The Supreme Court and Freedom of the Press

The United States Supreme Court last Monday handed down a decision which has a sinister look to us.

It was a 5-4 decision; and it seems to us that the majority of five justices in this decision chopped a chip out of the first article of the Bill of Rights (Amendment 1 of the Constitution), . . .

Associate Justice Stanley Reed delivered the majority opinion. It was concurred in by Associate Justices J. F. Byrnes, Felix Frankfurter, R. H. Jackson and O. J. Roberts. We may be dumb, but the reasoning unrolled by these gentlemen in the majority opinion is too vague, finespun, and hairsplitting for us to grasp.

Chief Justice Harlan F. Stone, on the other hand, ripped out a sizzling dissenting opinion which we have

no trouble understanding. The Chief Justice stood squarely on the Bill of Rights and roared for its preservation as written.

RICHMOND [VA.] TIMES-DISPATCH

Friday, June 12, 1942. Editorial.

A Blow at Religious Freedom

We have yet to find even one favorable editorial comment concerning the United States Supreme Court's 5-to-4 decision on Monday that a city ordinance requiring a license for peddlers may be applied to a member of Jehovah's witnesses engaged in distributing literature for which contributions are solicited. . . .

Now that three members of the Supreme Court have recanted publicly, it may be only a question of time before others follow suit, and religious freedom no longer is threatened by the very tribunal which should be its bulwark.

THE DAILY HOME NEWS

New Brunswick, N. J., Wednesday, June 10, 1942. Editorial.

Dangerous Precedent

. . . But validation of such laws, which in malicious hands can be all too easily twisted into open suppression of minorities, is not the way. Wartime is a period of emotion and stress, when civil liberties must sometimes go by the board in the interest of national safety. They should not, however, be thrown to the winds as they are in this ruling. The Supreme Court, it appears, has blundered, and it means a long and arduous fight to regain the lost ground.

LEXINGTON [KY.] LEADER

June 17, 1942.

Taxation by Tyrants

[From] *Editor and Publisher*

We must disagree emphatically with the five learned justices of the Supreme Court of the United States whose majority decision in the Jehovah's witnesses case . . .

The majority opinion in this case is dangerous doctrine for a land whose crusading editors step hard and often on the toes of local tyrants holding taxing powers.

There can be no relief from oppression of the press and suppression of newspapers until the Supreme Court reverses its stand taken in this week's decision.

CLEVELAND PLAIN DEALER

An Economist's Point of View

By Russell Weisman

At the pain of being advised by some of my attorney friends to stick to my business and finance I am venturing the opinion, as a citizen, that the Supreme Court in a recent decision abridged two sacred rights guaranteed by the Constitution—freedom of religion and of press. . . .

As the weeks have passed and its implications have been better understood, there is more and more comment to the effect that they are unfortunate and that the court has allowed its thinking to be affected too much by the present war emergency and too little by the fact that we are fighting for the preservation of the very freedoms which are abridged by this particular decision. . . .

THE HARTFORD [CONN.] TIMES

Saturday, June 20, 1942.

Religious Freedom

By Samuel B. Pettengill

But the right to worship God according to your faith includes the right to propagate that faith, to win converts to it, to disseminate tracts, books, sermons, to sow seed in human souls and bring it to harvest by fair persuasion, if one can. . . .

The right to propagate the faith has now been chained to the chariots of new Caesars—these arrogant creatures who put their concepts of "the general welfare" above the conscience of men.

"Tyrants," said Abraham Lincoln, "always bestride the necks of the people on the theory that it is for the people's good," and that they know what is good for the people, and the people do not. . . .

BOSTON TRAVELER

June 11, 1942. Editorial.

Free Speech the Issue

The Supreme Court's final decision day produced one decision that should not be final. It upheld the right of cities to charge license fees for the distribution of religious literature. . . .

It is entirely beside the point to argue that the taxes in question are small, that the religious group at which they are aimed is insignificant. Sometimes great and abiding truths grow from humble beginnings.

Would the twelve fishermen of Galilee have had the twenty-five dollars for a preacher's license in Casa Grande, Arizona?

THE PROGRESSIVE

Madison, Wis., June 21, 1942.

. . . No one who examines the facts which led to the court test can escape the conclusion that the license taxes imposed on Jehovah's witnesses were designed to accomplish a single purpose, and that was to prevent that sect from distributing its pamphlets and seeking contributions. The Supreme Court has thus ruled, in effect, that "equally precious" with the right of freedom of speech, the press, and religion is the right to suppress these constitutional guarantees by oppressive taxation!

A BLACK DAY IN THE COURT

By Hugh Russell Fraser

[*The Progressive,* Madison, Wis., June 21, 1942.]

The Supreme Court wrote a shameful decision in the Jehovah's witnesses case.

True, the verdict was 5 to 4, but the fact that five of the members of the Court, four of them appointed by President Roosevelt, should forsake the plain intent and meaning of the Bill of Rights and enter the realm of sophistry, is an indictment of the status of caliber of the Court today. . . .

But the majority of the Court, through Mr. Justice Reed, has spoken. The First Amendment, it appears, extends a protecting arm around various and sundry persons, but not Jehovah's witnesses. . . .

But the really shocking news came from Washington, D. C., not Opelika.

THE TABLET

Roman Catholic, Brooklyn, N. Y., June 20, 1942. Editorial.

. . . But it is quite possible that a determined minority, hostile to religion, in control of local government, might use this decision of the Supreme Court to impose prohibitive taxation upon a peaceful religious majority, carrying out its valuable religious program in public assembly, in the press or by house-to-house canvass. Even the taking up of a parish census might be construed by such hostile authorities as within the scope of such prohibitive taxation.

. . . We hold with the dissenting opinion against the decision.

OUR SUNDAY VISITOR

Roman Catholic, Fort Wayne (Huntington), Indiana, June 21, 1942, under its own heading "U. S. Court Decision Endangers Freedom of All Religions", reproduces entire article by Clifford B. Ward published originally in the Fort Wayne *News-Sentinel*, among other things, saying:

"Even more dangerous than the decision itself is the philosophy of the majority of the court in using the word 'privileges' to apply to freedom of the press, freedom of speech and freedom of religion. If these freedoms are 'privileges,' they are not 'inalienable rights' and the very essence of our Constitutional protection is destroyed."